

CS FOR HOUSE BILL NO. 68(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/28/23

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sex trafficking; relating to athletic trainers, private professional**
2 **conservators and guardians, licensed professional counselors, massage therapists,**
3 **marital and family therapists, physicians, osteopaths, podiatrists, direct-entry midwives,**
4 **nurses, pharmacists, psychologists and psychological associates, and clinical social**
5 **workers; establishing the crime of patron of a victim of sex trafficking; relating to the**
6 **crime of human trafficking; relating to the crime of prostitution; relating to sentencing**
7 **for sex trafficking, patron of a victim of sex trafficking, human trafficking, and**
8 **prostitution; relating to victim confidentiality; establishing the process for vacating**
9 **judgments for certain convictions of prostitution; relating to revocation of a teaching**
10 **certificate; relating to sex trafficking, human trafficking, sexual abuse, and sexual**
11 **assault awareness and prevention education; relating to disqualifying convictions for**
12 **religious and private school teachers; relating to licensing of school bus drivers; relating**

1 to permanent fund dividends for certain individuals whose convictions are vacated; and
 2 providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 04.06.110 is amended to read:

5 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed
 6 for the administration and enforcement of this title may, with the concurrence of the
 7 commissioner of public safety, exercise the powers of peace officers when those
 8 powers are specifically granted by the board. Powers granted by the board under this
 9 section may be exercised only when necessary for the enforcement of the criminally
 10 punishable provisions of this title, regulations of the board, and other criminally
 11 punishable laws and regulations, including investigation of violations of laws against
 12 [PROSTITUTION AND] sex trafficking described in AS 11.41.340 - 11.41.357, laws
 13 against prostitution described in AS 11.66.101 - 11.66.106, [AS 11.66.100 -
 14 11.66.135] and laws against gambling, promoting gambling, and related offenses
 15 described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant
 16 described in AS 12.35, nothing in this section authorizes the use of metal keys,
 17 magnetic card keys, or identification cards to access private clubs.

18 * **Sec. 2.** AS 08.07.020(a) is amended to read:

19 (a) The department shall issue an athletic trainer license to an individual who
 20 (1) applies to the department on a form provided by the department;
 21 (2) meets the requirements established in regulation by the department;
 22 (3) pays the fees established by the department; [AND]
 23 (4) provides proof of certification by the Board of Certification, Inc.,
 24 or another nationally recognized professional association approved by the department;
 25 and
 26 (5) has not been convicted, including a conviction based on a guilty
 27 plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

28 * **Sec. 3.** AS 08.07 is amended by adding a new section to read:

29 **Sec. 08.07.025. Revocation or refusal of a license.** The department shall
 30 revoke for life an athletic trainer license or refuse to issue or renew an athletic trainer

license if the department determines that the individual has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

* **Sec. 4.** AS 08.07 is amended by adding a new section to read:

Sec. 08.07.035. Notification of conviction. An athletic trainer shall notify the department if the athletic trainer has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or misdemeanor crime.

* **Sec. 5.** AS 08.26.020(a) is amended to read:

(a) The department shall issue a private professional full guardian license to an individual

(1) who is at least 21 years of age;

(2) who has two or more years of professional client casework experience or at least an associate degree in human services, social work, psychology, sociology, gerontology, special education, or a closely related field;

(3) who is certified as a guardian by a nationally recognized organization in the field of guardianships;

(4) whose criminal history record checks under AS 08.26.070 show that the individual has not been convicted of **a crime under AS 11.41.340 - 11.41.355 or of** a felony or [OF A] misdemeanor offense in the state or in any other jurisdiction involving fraud, misrepresentation, material omission, misappropriation, theft, conversion, or any other crime the department determines would affect the individual's ability to provide the services of a guardian competently and safely for the protected person within 10 years before the application;

(5) who satisfies the application requirements of AS 08.26.060; and

(6) who satisfies the requirements for obtaining a private professional conservator license under AS 08.26.030.

* **Sec. 6.** AS 08.26.030 is amended to read:

Sec. 08.26.030. Requirements for private professional conservator license.

The department shall issue a private professional conservator license to an individual

(1) who is at least 21 years of age;

(2) who has obtained a high school diploma, or a general education

1 development diploma or its equivalent;

2 (3) who has six months' employment experience in a position
3 involving financial management, or has at least an associate degree in accounting or a
4 closely related field;

5 (4) who is certified as a guardian by a nationally recognized
6 organization in the field of guardianships;

7 (5) whose criminal history record checks under AS 08.26.070 show
8 that the individual has not been convicted of **a crime under AS 11.41.340 - 11.41.355**
9 **or of** a felony or [OF A] misdemeanor offense in the state or in any other jurisdiction
10 involving fraud, misrepresentation, material omission, misappropriation, theft,
11 conversion, or any other crime that the department determines would affect the
12 individual's ability to provide the services of a conservator competently and safely for
13 the protected person within 10 years before the application; and

14 (6) who satisfies the application requirements of AS 08.26.060.

15 * **Sec. 7.** AS 08.26.130 is amended by adding new subsections to read:

16 (b) The department shall revoke for life a license or refuse to issue or renew a
17 license if the department determines that the individual has been convicted, including
18 a conviction based on a guilty plea or plea of nolo contendere, of a crime under
19 AS 11.41.340 - 11.41.355.

20 (c) A licensee shall notify the department if the licensee has been convicted,
21 including a conviction based on a guilty plea or plea of nolo contendere, of a felony or
22 other crime that may result in grounds for disciplinary action under (a)(6) of this
23 section.

24 * **Sec. 8.** AS 08.29.110(a) is amended to read:

25 (a) The board shall issue a professional counselor license to a person who
26 applies for the license, submits the required fee, submits two letters of
27 recommendation from professional counselors who are familiar with the applicant's
28 practice of professional counseling, and presents evidence satisfactory to the board
29 that the person

30 (1) is at least 18 years of age;

31 (2) is not under investigation in this or another jurisdiction for an act

1 that would constitute a violation of this chapter;

2 (3) has not had a license related to the practice of counseling,
3 psychology, marital and family therapy, or social work in this or another jurisdiction
4 suspended, revoked, or surrendered in lieu of discipline unless the license has been
5 fully reinstated in that jurisdiction;

6 (4) has passed a written examination as required by the board; the
7 board may provide that passing a nationally recognized examination for professional
8 counselors is sufficient to meet the examination requirement of this paragraph;

9 (5) has successfully completed either

10 (A) an earned doctoral degree in counseling or a related
11 professional field from a regionally or nationally accredited institution of
12 higher education approved by the board; or

13 (B) an earned master's degree in counseling or a related
14 professional field, from a regionally or nationally accredited institution of
15 higher education approved by the board, and at least 60 graduate semester
16 hours in counseling during or after earning the master's degree; [AND]

17 (6) has, after earning the degree required under either (5)(A) or (B) of
18 this subsection, had at least 3,000 hours of supervised experience in the practice of
19 professional counseling performed over a period of at least two years under the
20 supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of
21 direct counseling with individuals, couples, families, or groups and at least 100 hours
22 of face-to-face supervision by a supervisor approved under AS 08.29.210 unless,
23 under regulations of the board, the board allows the supervision to be by telephonic or
24 electronic means because of the remote location of the counselor; and

25 **(7) has not been convicted, including a conviction based on a guilty**
26 **plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.**

27 * **Sec. 9.** AS 08.29.400 is amended by adding new subsections to read:

28 (d) The board shall revoke for life a license or refuse to issue or renew a
29 license if the board determines that the person has been convicted, including a
30 conviction based on a guilty plea or plea of nolo contendere, of a crime under
31 AS 11.41.340 - 11.41.355.

(e) A person licensed under this chapter shall notify the board if the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony that may result in grounds for disciplinary sanctions under (a)(2) of this section.

* **Sec. 10.** AS 08.61.030 is amended to read:

Sec. 08.61.030. Qualifications for license. The board shall issue a license to practice massage therapy to a person who

(1) applies on a form provided by the department;
 (2) pays the fees established under AS 08.61.090;
 (3) furnishes evidence satisfactory to the board that the person has completed a

(A) course of study of at least 625 hours of in-class supervised instruction and clinical work from an approved massage school; or

(B) board-approved apprenticeship program;

(4) is 18 years of age or older;
 (5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(6) has a current cardiopulmonary resuscitation certification;

(7) has received at least two hours of safety education covering bloodborne pathogens and universal precautions in the two years preceding the application for the license; in this paragraph, "bloodborne pathogens" has the meaning given in AS 18.15.450;

(8) has successfully completed a nationally recognized competency examination approved by the board; and

(9) has not been convicted of, or pled guilty or no contest to, **a crime under AS 11.41.340 - 11.41.355, or** a crime involving moral turpitude, or who has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice

competently and safely.

* **Sec. 11.** AS 08.61.040 is amended to read:

Sec. 08.61.040. Licensure by credentials. The board shall issue a license to practice massage therapy to a person who

(1) is 18 years of age or older;

(2) applies on a form provided by the department;

(3) pays the fees established under AS 08.61.090;

(4) has submitted the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(5) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction;

(6) has not had a certificate or license to practice massage therapy revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;

(7) has not been convicted of, or pled guilty or no contest to, **a law or ordinance of this or another jurisdiction with elements similar to a crime listed under AS 11.41.340 - 11.41.355, or** a crime involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;

(8) has a current cardiopulmonary resuscitation certification; and

(9) is currently

(A) licensed to practice massage therapy in another state or country that has licensing requirements that are substantially equal to or greater than the requirements of this state; or

(B) certified by a certification entity approved by the board.

* **Sec. 12.** AS 08.61.060 is amended by adding new subsections to read:

(b) The board shall revoke for life a license or refuse to issue or renew a license if the board determines that the person has been convicted, including a

conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

(c) A person licensed under this chapter shall notify the board if the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or other crime that may result in grounds for disciplinary sanctions under (a)(4) of this section.

* **Sec. 13.** AS 08.63.100(a) is amended to read:

(a) The board shall issue a license to practice marital and family therapy to a person who

(1) applies on a form provided by the board;

(2) pays the fee established under AS 08.01.065;

(3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following:

(i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;

(ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;

(iii) three courses or nine semester or 12 quarter hours of course work in human development;

(iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;

(v) one course or three semester or four quarter hours of course work in research; and

(vi) one year of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph,

has practiced supervised marital and family therapy, including 1,700 hours of clinical contact with couples, individuals, and families; the 1,700 hours of clinical contact must include at least 100 hours of individual supervision and 100 hours of group supervision approved by the board; the 100 hours of individual supervision and 100 hours of group supervision may be conducted by one or more supervisors;

(D) has received training related to domestic violence; [AND]

(E) has passed a written or oral examination administered by the board; **and**

(F) has not been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

* **Sec. 14.** AS 08.63.210 is amended by adding new subsections to read:

(e) The board shall revoke for life a license issued under this chapter or refuse to issue or renew a license under this chapter if the board determines that the individual has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

(f) A person licensed under this chapter shall notify the board if the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or other crime that may result in grounds for disciplinary sanctions under (a)(4) of this section.

* **Sec. 15.** AS 08.64.240(a) is amended to read:

(a) The board may not grant a license if

(1) the applicant fails or cheats during the examination;

(2) the applicant has surrendered a license in another jurisdiction while under investigation and the license has not been reinstated in that jurisdiction;

(3) the board determines that the applicant is professionally unfit to practice medicine or osteopathy in the state; [OR]

(4) the applicant fails to comply with a requirement of this chapter; **or**

(5) the applicant has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 -

11.41.355.

* **Sec. 16.** AS 08.64.326 is amended by adding new subsections to read:

(c) The board shall revoke for life a license issued under this chapter or refuse to issue or renew a license under this chapter if the board determines that the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

(d) A licensee shall notify the board if the licensee has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or other crime that may result in grounds for disciplinary sanctions under (a)(4) or (5) of this section.

* **Sec. 17.** AS 08.65.050 is amended to read:

Sec. 08.65.050. Qualifications for license. The board shall issue a certificate to practice direct-entry midwifery to a person who

(1) applies on a form provided by the board;

(2) pays the fees required under AS 08.65.100;

(3) furnishes evidence satisfactory to the board that the person has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.65.110 **and has not been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355;**

(4) furnishes evidence satisfactory to the board that the person has completed a course of study and supervised clinical experience; the study and experience must be of at least one year's duration;

(5) successfully completes the examination required by the board.

* **Sec. 18.** AS 08.65.110 is amended by adding new subsections to read:

(b) The board shall revoke for life a certificate or permit or refuse to issue or renew a certificate or permit if the board determines that the individual has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

(c) A person holding a certificate or permit under this chapter shall notify the board if the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or other crime that may result in grounds for

disciplinary sanctions under (a)(4) of this section.

* **Sec. 19.** AS 08.68.170(c) is amended to read:

(c) An applicant for a license to practice advanced practice registered nursing shall submit to the board, on forms and in the manner prescribed by the board, written evidence, verified by oath, that the applicant

(1) is licensed as a registered nurse in the state; [AND]

(2) has successfully completed an advanced practice registered nurse education program that meets the criteria established by the board under AS 08.68.100; **and**

(3) has not been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

* **Sec. 20.** AS 08.68.270 is amended by adding new subsections to read:

(b) The board shall revoke for life a license or refuse to issue or renew a license if the board determines that the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.

(c) A person licensed under this chapter shall notify the board if the person has been convicted, including a conviction based on a guilty plea or plea of nolo contendere, of a felony or other crime that may result in grounds for disciplinary sanctions under (a)(2) or (12) of this section.

* **Sec. 21.** AS 08.80.110 is amended to read:

Sec. 08.80.110. Qualifications for licensure by examination. An applicant for licensure as a pharmacist shall

(1) be fluent in the reading, writing, and speaking of the English language;

(2) furnish the board with at least two affidavits from reputable citizens that the applicant has known for at least one year attesting to the applicant's good moral character;

(3) be a graduate of a college in a degree program approved by the board;

(4) pass an examination or examinations given by the board or

1 acceptable to the board under the score transfer process administered by the National
2 Association of Boards of Pharmacy;

3 (5) have completed internship training or another program that has
4 been approved by the board or demonstrated to the board's satisfaction that the
5 applicant has experience in the practice of pharmacy that meets or exceeds the
6 minimum internship requirements of the board;

7 **(6) affirm that the applicant has not been convicted, including a**
8 **conviction based on a guilty plea or plea of nolo contendere, of a crime under**
9 **AS 11.41.340 - 11.41.355.**

10 * **Sec. 22.** AS 08.80.145 is amended to read:

11 **Sec. 08.80.145. Reciprocity; license transfer.** If another jurisdiction allows
12 licensure in that jurisdiction of a pharmacist licensed in this state under conditions
13 similar to those in this section, the board may license as a pharmacist in this state a
14 person licensed as a pharmacist in the other jurisdiction if the person

15 (1) submits a written application to the board on a form required by the
16 board;

17 (2) is at least 18 years of age;

18 (3) is of good moral character;

19 (4) possesses at the time of the request for licensure as a pharmacist in
20 this state the qualifications necessary to be eligible for licensure in this state;

21 (5) has engaged in the practice of pharmacy for at least one year or has
22 met the internship requirements of this state within the one-year period immediately
23 before applying for a license under this section;

24 (6) presents proof satisfactory to the board that the person is currently
25 licensed as a pharmacist in the other jurisdiction and does not currently have a
26 pharmacist license suspended, revoked, or otherwise restricted except for failure to
27 apply for renewal or failure to obtain the required continuing education credits;

28 (7) has passed an examination approved by the board that tests the
29 person's knowledge of Alaska laws relating to pharmacies and pharmacists and the
30 regulations adopted under those laws; [AND]

31 (8) pays all required fees; **and**

1 **(9) has not been convicted, including a conviction based on a guilty**
 2 **plea or plea of nolo contendere, of a law or ordinance of this or another**
 3 **jurisdiction with elements similar to a crime listed under AS 11.41.340 -**
 4 **11.41.355.**

5 * **Sec. 23.** AS 08.80.261 is amended by adding new subsections to read:

6 (c) The board shall revoke for life a license or refuse to issue or renew a
 7 license if the board determines that the applicant or licensee has been convicted,
 8 including a conviction based on a guilty plea or plea of nolo contendere, of a crime
 9 under AS 11.41.340 - 11.41.355.

10 (d) A licensee or an applicant shall notify the board if the licensee or applicant
 11 has been convicted, including a conviction based on a guilty plea or plea of nolo
 12 contendere, of a felony or other crime that may result in grounds for disciplinary
 13 sanctions under (a)(4) or (10) of this section.

14 * **Sec. 24.** AS 08.86.130(a) is amended to read:

15 (a) The board shall issue a psychologist license to a person who

16 (1) holds an earned doctorate degree, from an academic institution
 17 whose program of graduate study for a doctorate degree in psychology meets the
 18 criteria established by the board by regulation, in

19 (A) clinical psychology;

20 (B) counseling psychology; or

21 (C) education in a field of specialization considered equivalent
 22 by the board;

23 (2) has not engaged in dishonorable conduct related to the practice of
 24 counseling or psychometry;

25 (3) has one year of post doctoral supervised experience approved by
 26 the board; [AND]

27 (4) takes and passes the objective examination developed or approved
 28 by the board; **and**

29 **(5) has not been convicted, including a conviction based on a guilty**
 30 **plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.**

31 * **Sec. 25.** AS 08.86.160(a) is amended to read:

- 1 (a) The board shall issue a psychological associate license to a person who
 2 (1) holds an earned master's degree from an academic institution
 3 whose program of graduate study for a master's degree in psychology meets the
 4 criteria established by the board by regulation in
 5 (A) clinical psychology;
 6 (B) counseling psychology; or
 7 (C) education in a field of specialization considered equivalent
 8 by the board;
 9 (2) has not engaged in dishonorable conduct related to the practice of
 10 counseling or psychometry;
 11 (3) has two years of post master's supervised experience approved by
 12 the board; [AND]
 13 (4) takes and passes the objective examination developed or approved
 14 by the board for psychological associates; **and**
 15 **(5) has not been convicted, including a conviction based on a guilty**
 16 **plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.**

17 * **Sec. 26.** AS 08.86.204 is amended by adding new subsections to read:

18 (e) The board shall revoke for life a license or refuse to issue or renew a
 19 license if the board determines that the person has been convicted, including a
 20 conviction based on a guilty plea or plea of nolo contendere, of a crime under
 21 AS 11.41.340 - 11.41.355.

22 (f) A person licensed under this chapter shall notify the board if the licensee
 23 has been convicted, including a conviction based on a guilty plea or plea of nolo
 24 contendere, of a felony or other crime that may result in grounds for disciplinary
 25 sanctions under (a)(4) of this section.

26 * **Sec. 27.** AS 08.95.050 is amended by adding new subsections to read:

27 (d) The board shall revoke for life a license or refuse to issue or renew a
 28 license if the board determines that the person has been convicted, including a
 29 conviction based on a guilty plea or plea of nolo contendere, of a crime under
 30 AS 11.41.340 - 11.41.355.

31 (e) A licensee shall notify the board if the licensee has been convicted,

1 including a conviction based on a guilty plea or plea of nolo contendere, of a felony or
 2 other crime that may result in grounds for disciplinary sanctions under (a)(7) of this
 3 section.

4 * **Sec. 28.** AS 08.95.110(a) is amended to read:

5 (a) The board shall issue a license to practice clinical social work to a person
 6 who

7 (1) has received a master's degree or a doctoral degree in social work
 8 from a college or university approved by the board;

9 (2) has completed, within the 10 years before application for licensure
 10 and under the supervision of a licensed clinical social worker, licensed psychologist,
 11 or licensed psychiatrist either

12 (A) a minimum of two years of continuous full-time
 13 employment in postgraduate clinical social work; or

14 (B) a minimum of 3,000 hours of less than full-time
 15 employment in a period of not less than two years in postgraduate clinical
 16 social work;

17 (3) is of good moral character;

18 (4) is in good professional standing and is fit to practice social work as
 19 determined by the board;

20 (5) has provided three professional references that are acceptable to the
 21 board, including, if the applicant

22 (A) was previously employed to practice social work, one
 23 reference from a person who was the applicant's employer while practicing
 24 social work unless the applicant demonstrates to the satisfaction of the board
 25 that the applicant is unable to satisfy the requirement of this subparagraph
 26 through no fault of the applicant; and

27 (B) is currently employed to practice social work, a reference
 28 from the applicant's current employer;

29 (6) has satisfactorily completed the examination given by the board for
 30 clinical social worker licensing; [AND]

31 (7) has paid required fees; **and**

1 **(8) has not been convicted, including a conviction based on a guilty**
 2 **plea or plea of nolo contendere, of a crime under AS 11.41.340 - 11.41.355.**

3 * **Sec. 29.** AS 08.95.120(a) is amended to read:

4 (a) The board shall issue a license to practice clinical social work if the
 5 applicant

6 (1) holds a current license to practice clinical social work in another
 7 jurisdiction that, at the time of original issuance of the license, had requirements for
 8 licensure equal to or more stringent than those of this state;

9 (2) is not the subject of an unresolved complaint or disciplinary action
 10 before a regulatory authority or a professional social work association;

11 (3) has provided three professional references that are acceptable to the
 12 board, including, if the applicant

13 (A) was previously employed to practice social work, one
 14 reference from a person who was the applicant's employer while practicing
 15 social work unless the applicant demonstrates to the satisfaction of the board
 16 that the applicant is unable to satisfy the requirement of this subparagraph
 17 through no fault of the applicant; and

18 (B) is currently employed to practice social work, a reference
 19 from the applicant's current employer;

20 (4) has not had a license to practice clinical social work revoked,
 21 suspended, or surrendered in lieu of disciplinary action in this state or another
 22 jurisdiction;

23 (5) has submitted proof of continued competency satisfactory to the
 24 board; [AND]

25 (6) has paid required fees; **and**

26 **(7) has not been convicted of a law or ordinance of this or another**
 27 **jurisdiction with elements substantially similar to a crime listed under**
 28 **AS 11.41.340 - 11.41.355.**

29 * **Sec. 30.** AS 09.25.400 is amended to read:

30 **Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and**
 31 **sexual assault counseling.** Confidential communications between a victim of

1 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 2 privileged under AS 18.66.200 - 18.66.250.

3 * **Sec. 31.** AS 11.31.120(h)(2) is amended to read:

4 (2) "serious felony offense" means an offense

5 (A) against the person under AS 11.41, punishable as an
 6 unclassified or class A felony;

7 (B) involving controlled substances under AS 11.71,
 8 punishable as an unclassified, class A, or class B felony;

9 (C) that is criminal mischief in the first degree under
 10 AS 11.46.475;

11 (D) that is terroristic threatening in the first degree under
 12 AS 11.56.807;

13 (E) that is human trafficking in the first degree under
 14 AS 11.41.360;

15 (F) that is sex trafficking in the first degree under **AS 11.41.340**
 16 [AS 11.66.110]; or

17 (G) that is arson in the first degree under AS 11.46.400 or arson
 18 in the second degree under AS 11.46.410.

19 * **Sec. 32.** AS 11.41 is amended by adding new sections to read:

20 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the
 21 crime of sex trafficking in the first degree if the person

22 (1) as other than a patron of a victim of sex trafficking, induces or
 23 causes another person to engage in a commercial sexual act through the use of force or
 24 threat of force against any person; or

25 (2) violates AS 11.41.345 and the person induced or caused to engage
 26 in the commercial sexual act is

27 (A) under 21 years of age; or

28 (B) in that person's legal custody.

29 (b) Sex trafficking in the first degree is an unclassified felony.

30 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits
 31 the crime of sex trafficking in the second degree if, as other than a patron of a victim

1 of sex trafficking and with the intent to promote sex trafficking, the person induces or
 2 causes another person to engage in a commercial sexual act.

3 (b) Sex trafficking in the second degree is a class A felony.

4 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the
 5 crime of sex trafficking in the third degree if, as other than a patron of a victim of sex
 6 trafficking, the person provides services, resources, or other assistance in furtherance
 7 of a violation of AS 11.41.340 or 11.41.345.

8 (b) Sex trafficking in the third degree is a

9 (1) class B felony if the value of the services, resources, or other
 10 assistance provided is \$200 or more; or

11 (2) class C felony if the value of the services, resources, or other
 12 assistance provided is less than \$200.

13 **Sec. 11.41.355. Patron of a victim of sex trafficking.** (a) A person commits
 14 the crime of patron of a victim of sex trafficking if the person solicits a commercial
 15 sexual act

16 (1) with reckless disregard that the person engaging in the sexual act is
 17 a victim of sex trafficking; or

18 (2) from a person who is under 18 years of age.

19 (b) In a prosecution under (a)(2) of this section, it is an affirmative defense
 20 that, at the time of the alleged offense, the defendant

21 (1) reasonably believed the person to be 18 years of age or older; and

22 (2) undertook reasonable measures to verify that the person was 18
 23 years of age or older.

24 (c) Patron of a victim of sex trafficking is a

25 (1) class B felony if the person violates (a)(2) of this section;

26 (2) class C felony if the person violates (a)(1) of this section.

27 **Sec. 11.41.357. Inducing or causing a person to engage in a commercial**
 28 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes
 29 another person to engage in a commercial sexual act including by

30 (1) exposing or threatening to expose confidential information or a
 31 secret, whether true or false, that would subject a person to hatred, contempt, or

1 ridicule;

2 (2) destroying, concealing, or threatening to destroy or conceal an
3 actual or purported passport or immigration document or another actual or purported
4 identification document of any person;

5 (3) threatening to report a person to a government agency for the
6 purpose of arrest or deportation;

7 (4) threatening to collect a debt;

8 (5) instilling in a person a fear that lodging, food, clothing, or
9 medication will be withheld from any person;

10 (6) providing a controlled substance to or withholding a controlled
11 substance from the other person; or

12 (7) engaging in deception as defined in AS 11.81.900(b).

13 * **Sec. 33.** AS 11.41.360(a) is amended to read:

14 (a) A person commits the crime of human trafficking in the first degree if,
15 **under circumstances not proscribed under AS 11.41.340 - 11.41.357,** the person

16 **(1) [COMPELS OR] induces or causes another person to engage in**
17 **[SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or**
18 **threat of force against any person; or**

19 **(2) violates AS 11.41.365 and the victim is under 21 years of age [,**
20 **OR BY DECEPTION].**

21 * **Sec. 34.** AS 11.41.360(c) is amended to read:

22 (c) Human trafficking in the first degree is **an unclassified** [A CLASS A]
23 felony.

24 * **Sec. 35.** AS 11.41.365 is amended to read:

25 **Sec. 11.41.365. Human trafficking in the second degree.** (a) A person
26 commits the crime of human trafficking in the second degree if, **under circumstances**
27 **not proscribed under AS 11.41.340 - 11.41.357, and with the intent to promote**
28 **human trafficking,** the person **induces or causes another person to engage in adult**
29 **entertainment or labor by**

30 **(1) exposing or threatening to expose confidential information or a**
31 **secret, whether true or false, tending to subject a person to hatred, contempt, or**

ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect a debt;

(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(6) providing a controlled substance to or withholding a controlled substance from the other person; or

(7) engaging in deception as defined in AS 11.81.900(b) [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING].

(b) Human trafficking in the second degree is a class A [B] felony.

* **Sec. 36.** AS 11.41 is amended by adding new sections to read:

Sec. 11.41.366. Human trafficking in the third degree. (a) A person commits the crime of human trafficking in the third degree if the person provides services, resources, or other assistance with the intent to promote a violation of AS 11.41.360 or 11.41.365.

(b) Human trafficking in the third degree is a

(1) class B felony if the value of the services, resources, or other assistance provided is \$200 or more;

(2) class C felony if the value of the services, resources, or other assistance provided is less than \$200.

Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366. AS 11.41.360 - 11.41.366 do not apply to acts that may reasonably be construed to be a normal caretaker request of a child or a normal interaction with a child.

Sec. 11.41.369. Forfeiture. (a) Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.41.340 - 11.41.366, including real

1 property, may be forfeited at sentencing.

2 (b) The legislature may appropriate funds received from the sale of property
3 forfeited under (a) of this section for an offense under AS 11.41.340 - 11.41.357 to
4 programs that provide resources to victims of sex trafficking.

5 * **Sec. 37.** AS 11.41.530(a) is amended to read:

6 (a) A person commits the crime of coercion if, under circumstances not
7 proscribed under AS 11.41.340 - 11.41.366 or 11.41.410 - 11.41.427 [AS 11.41.410 -
8 11.41.427], the person compels another to engage in conduct from which there is a
9 legal right to abstain or abstain from conduct in which there is a legal right to engage,
10 by means of instilling in the person who is compelled a fear that, if the demand is not
11 complied with, the person who makes the demand or another may

12 (1) inflict physical injury on anyone, except under circumstances
13 constituting robbery in any degree, or commit any other crime;

14 (2) accuse anyone of a crime;

15 (3) expose confidential information or a secret, whether true or false,
16 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
17 credit or business repute;

18 (4) take or withhold action as a public servant or cause a public servant
19 to take or withhold action;

20 (5) bring about or continue a strike, boycott, or other collective
21 unofficial action, if the property is not demanded or received for the benefit of the
22 group in whose interest the person making the threat or suggestion purports to act;

23 (6) testify or provide information or withhold testimony or information
24 with respect to a person's legal claim or defense.

25 * **Sec. 38.** AS 11.66 is amended by adding new sections to read:

26 **Sec. 11.66.101. Prostitution in the first degree.** (a) A person commits the
27 crime of prostitution in the first degree if the person manages, supervises, controls, or
28 owns, either alone or in association with others, a prostitution enterprise or a place of
29 prostitution.

30 (b) Prostitution in the first degree is a class B felony.

31 **Sec. 11.66.102. Prostitution in the second degree.** (a) A person commits the

1 crime of prostitution in the second degree if the person violates AS 11.66.104 and,
 2 within the preceding five years, the person has been previously convicted on two or
 3 more separate occasions in this or another jurisdiction of an offense under
 4 AS 11.66.104 or an offense under another law or ordinance in this or another
 5 jurisdiction with similar elements.

6 (b) Prostitution in the second degree is a class C felony.

7 **Sec. 11.66.104. Prostitution in the third degree.** (a) A person commits the
 8 crime of prostitution in the third degree if the person offers a fee in exchange for
 9 sexual conduct.

10 (b) Prostitution in the third degree is a class A misdemeanor.

11 **Sec. 11.66.106. Prostitution in the fourth degree.** (a) A person commits the
 12 crime of prostitution in the fourth degree if the person engages in or agrees or offers to
 13 engage in sexual conduct in exchange for a fee.

14 (b) A person may not be prosecuted under this section if the

15 (1) person witnessed or was a victim of, and reported to law
 16 enforcement in good faith, one or more of the following crimes:

- 17 (A) murder in the first degree under AS 11.41.100;
- 18 (B) murder in the second degree under AS 11.41.110;
- 19 (C) manslaughter under AS 11.41.120;
- 20 (D) criminally negligent homicide under AS 11.41.130;
- 21 (E) assault in the first degree under AS 11.41.200;
- 22 (F) assault in the second degree under AS 11.41.210;
- 23 (G) assault in the third degree under AS 11.41.220;
- 24 (H) assault in the fourth degree under AS 11.41.230;
- 25 (I) sex trafficking in the first degree under AS 11.41.340;
- 26 (J) sex trafficking in the second degree under AS 11.41.345;
- 27 (K) sex trafficking in the third degree under AS 11.41.350;
- 28 (L) patron of a victim of sex trafficking under AS 11.41.355;
- 29 (M) sexual assault in the first degree under AS 11.41.410;
- 30 (N) sexual assault in the second degree under AS 11.41.420;
- 31 (O) sexual assault in the third degree under AS 11.41.425;

- 1 (P) sexual assault in the fourth degree under AS 11.41.427;
 2 (Q) sexual abuse of a minor in the first degree under
 3 AS 11.41.434;
 4 (R) sexual abuse of a minor in the second degree under
 5 AS 11.41.436;
 6 (S) sexual abuse of a minor in the third degree under
 7 AS 11.41.438;
 8 (T) sexual abuse of a minor in the fourth degree under
 9 AS 11.41.440;
 10 (U) robbery in the first degree under AS 11.41.500;
 11 (V) robbery in the second degree under AS 11.41.510;
 12 (W) extortion under AS 11.41.520;
 13 (X) coercion under AS 11.41.530;
 14 (Y) distribution of child pornography under AS 11.61.125; or
 15 (Z) possession of child pornography under AS 11.61.127;

16 (2) evidence supporting the prosecution under (a) of this section was
 17 obtained or discovered as a result of the person reporting the crime to law
 18 enforcement; and

19 (3) person cooperated with law enforcement personnel.

20 (c) Prostitution in the fourth degree is a class B misdemeanor.

21 * **Sec. 39.** AS 11.66.145 is amended to read:

22 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
 23 received or derived from, a violation of **AS 11.66.101 - 11.66.106** [AS 11.66.100(e)
 24 OR 11.66.110 - 11.66.135] may be forfeited at sentencing.

25 * **Sec. 40.** AS 11.66.150(2) is amended to read:

26 (2) "place of prostitution" means any place where a person, **other than**
 27 **a proprietor of the place,** engages in sexual conduct in return for a fee;

28 * **Sec. 41.** AS 11.66.150 is amended by adding a new paragraph to read:

29 (5) "fee" does not include payment for reasonably apportioned shared
 30 expenses of a residence.

31 * **Sec. 42.** AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor

1 offenses against public administration or order, or minor offenses against public health
2 and decency;

3 (6) violations, which characteristically involve conduct inappropriate
4 to an orderly society but which do not denote criminality in their commission.

5 * **Sec. 43.** AS 11.81.250(b) is amended to read:

6 (b) The classification of each felony defined in this title, except murder in the
7 first and second degree, attempted murder in the first degree, solicitation to commit
8 murder in the first degree, conspiracy to commit murder in the first degree, murder of
9 an unborn child, human trafficking in the first degree, sexual assault in the first
10 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
11 substance in the first degree, sex trafficking in the first degree [UNDER
12 AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony
13 under the law of this state defined outside this title for which no penalty is specifically
14 provided is a class C felony.

15 * **Sec. 44.** AS 11.81.900(b) is amended by adding new paragraphs to read:

16 (69) "adult entertainment" means an activity in which one or more
17 individuals are employed, contracted, or permitted to, wholly or in part, entertain
18 others by

19 (A) removing clothes or other items that clothe or hide the
20 person's body;

21 (B) dancing or in any other manner exhibiting the individual's
22 body in a completely or almost completely unclothed state;

23 (C) participating in a simulated illegal, indecent, or lewd
24 exhibition, act, or practice, including simulated

25 (i) sexual penetration;

26 (ii) the lewd exhibition or touching of a person's
27 genitals, anus, or breast; or

28 (iii) bestiality;

29 (70) "commercial sexual act" means a sexual act for which anything of
30 value is given or received by any person;

31 (71) "services, resources, or other assistance" includes financial

support, business services, lodging, transportation, providing false identification documents or other documentation, equipment, facilities, or any other service or property, regardless of whether a person is compensated;

(72) "sexual act" means sexual penetration or sexual contact;

(73) "victim of sex trafficking" means a person who has been induced or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350.

* **Sec. 45.** AS 12.10.010 is amended to read:

Sec. 12.10.010. General time limitations. (a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

(2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;

(3) felony sexual abuse of a minor;

(4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);

(5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, [AS 11.66.110 - 11.66.130,] or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;

(6) kidnapping;

(7) distribution of child pornography in violation of AS 11.61.125;

(8) sex trafficking violation of AS 11.41.340 or 11.41.345 [AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

(9) human trafficking in violation of AS 11.41.360 or 11.41.365.

(b) Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than

(1) 10 years after the commission of a felony offense in violation of AS 11.41.120 - 11.41.330, 11.41.350, 11.41.366, 11.41.425(a)(1), 11.41.425(a)(5), 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense.

* **Sec. 46.** AS 12.37.010 is amended to read:

Sec. 12.37.010. Authorization to intercept communications. The attorney general, or a person designated in writing or by law to act for the attorney general, may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

(1) murder in the first or second degree under AS 11.41.100 - 11.41.110;

(2) kidnapping under AS 11.41.300;

(3) a class A or unclassified felony drug offense under AS 11.71;

(4) sex trafficking in the first or second degree under AS 11.41.340 or 11.41.345 [AS 11.66.110 AND 11.66.120]; or

(5) human trafficking [IN THE FIRST DEGREE] under AS 11.41.360 or 11.41.365.

* **Sec. 47.** AS 12.45.049 is amended to read:

Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and sexual assault counseling. Confidential communications between a victim of domestic violence, sex trafficking, or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

* **Sec. 48.** AS 12.55.015 is amended by adding a new subsection to read:

(m) In addition to the penalties authorized by this section, if a defendant holds a business license and is convicted of an offense under AS 11.41.340 - 11.41.366, and the defendant used the business in furtherance of the offense, the court shall revoke the defendant's business license.

* **Sec. 49.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted

1 murder in the first degree, murder of an unborn child, **human trafficking in the first**
 2 **degree**, sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4),
 3 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first
 4 degree [UNDER AS 11.66.110(a)(2)], or misconduct involving a controlled substance
 5 in the first degree;

6 (2) \$250,000 for a class A felony;

7 (3) \$100,000 for a class B felony;

8 (4) \$50,000 for a class C felony;

9 (5) \$25,000 for a class A misdemeanor;

10 (6) \$2,000 for a class B misdemeanor;

11 (7) \$500 for a violation.

12 * **Sec. 50.** AS 12.55.078(f) is amended to read:

13 (f) The court may not suspend the imposition or entry of judgment and may
 14 not defer prosecution under this section of a person who

15 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
 16 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,
 17 AS 11.46.400, AS 11.61.125 - 11.61.128, **AS 11.66.101, or 11.66.102** [OR
 18 AS 11.66.110 - 11.66.135];

19 (2) uses a firearm in the commission of the offense for which the
 20 person is charged;

21 (3) has previously been granted a suspension of judgment under this
 22 section or a similar statute in another jurisdiction, unless the court enters written
 23 findings that by clear and convincing evidence the person's prospects for rehabilitation
 24 are high and suspending judgment under this section adequately protects the victim of
 25 the offense, if any, and the community;

26 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony
 27 and the person has one or more prior convictions for a misdemeanor violation of
 28 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
 29 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
 30 felony in this state; for the purposes of this paragraph, a person shall be considered to
 31 have a prior conviction even if

(A) the charges were dismissed under this section;

(B) the conviction has been set aside under AS 12.55.085; or

(C) the charge or conviction was dismissed or set aside under an equivalent provision of the laws of another jurisdiction; or

(5) is charged with a crime involving domestic violence, as defined in AS 18.66.990.

* **Sec. 51.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.340 - 11.41.370 [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, AS 11.66.101, or 11.66.102 [OR AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if that conviction has been set aside under (e) of this section or under the equivalent provision of the laws of another jurisdiction.

* **Sec. 52.** AS 12.55.125(b) is amended to read:

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, human trafficking in the first degree, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at least 15 years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20

years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470.

* **Sec. 53.** AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

(1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 30 to 40 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 35 to 45 years;

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (I) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is

not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), **sex trafficking in the second degree**, unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, **unlawful exploitation of a minor under AS 11.41.455(c)(2)**, or sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) under 13 years of age, 20 to 30 years;

(ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) **sex trafficking in the third degree under AS 11.41.350(b)(1)**,

1 **patron of a victim of sex trafficking under AS 11.41.355(c)(1)**, sexual assault in the
 2 second degree, sexual abuse of a minor in the second degree, enticement of a minor
 3 under AS 11.41.452(d), indecent exposure in the first degree under
 4 AS 11.41.458(b)(2), **indecent viewing or production of a picture under**
 5 **AS 11.61.123(g)(1)**, distribution of child pornography under AS 11.61.125(e)(2), or
 6 attempt, conspiracy, or solicitation to commit sexual assault in the first degree under
 7 AS 11.41.410(a)(1)(B), **sex trafficking in the second degree, unlawful exploitation**
 8 **of a minor under AS 11.41.455(c)(1), or enticement of a minor under**
 9 **AS 11.41.452(e)** may be sentenced to a definite term of imprisonment of not more
 10 than 99 years and shall be sentenced to a definite term within the following
 11 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

12 (A) if the offense is a first felony conviction, five to 15 years;

13 (B) if the offense is a second felony conviction and does not
 14 involve circumstances described in (C) of this paragraph, 10 to 25 years;

15 (C) if the offense is a second felony conviction and the
 16 defendant has a prior conviction for a sexual felony, 15 to 30 years;

17 (D) if the offense is a third felony conviction and does not
 18 involve circumstances described in (E) of this paragraph, 20 to 35 years;

19 (E) if the offense is a third felony conviction and the defendant
 20 has two prior convictions for sexual felonies, 99 years;

21 (4) **sex trafficking in the third degree under AS 11.41.350(b)(2),**
 22 **patron of a victim of sex trafficking under AS 11.41.355(c)(2)**, sexual assault in the
 23 third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c),
 24 incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent
 25 viewing or production of a picture under **AS 11.61.123(g)(2)** [AS 11.61.123(f)(1) OR
 26 (2)], possession of child pornography, distribution of child pornography under
 27 AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit **sex trafficking**
 28 **in the third degree under AS 11.41.350(b)(1), patron of a victim of sex trafficking**
 29 **under AS 11.41.355(c)(1)**, sexual assault in the second degree, sexual abuse of a
 30 minor in the second degree, **indecent viewing or production of a picture under**
 31 **AS 11.61.123(g)(1)**, [UNLAWFUL EXPLOITATION OF A MINOR,] or distribution

1 of child pornography under AS 11.61.125(e)(2), may be sentenced to a definite term
 2 of imprisonment of not more than 99 years and shall be sentenced to a definite term
 3 within the following presumptive ranges, subject to adjustment as provided in
 4 AS 12.55.155 - 12.55.175:

5 (A) if the offense is a first felony conviction and does not
 6 involve the circumstances described in (B) or (C) of this paragraph, two to 12
 7 years;

8 (B) if the offense is a first felony conviction under
 9 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
 10 paragraph, four to 12 years;

11 (C) if the offense is a first felony conviction under
 12 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
 13 a mechanism for multi-party sharing or distribution of child pornography, or
 14 received a financial benefit or had a financial interest in a child pornography
 15 sharing or distribution mechanism, six to 14 years;

16 (D) if the offense is a second felony conviction and does not
 17 involve circumstances described in (E) of this paragraph, eight to 15 years;

18 (E) if the offense is a second felony conviction and the
 19 defendant has a prior conviction for a sexual felony, 12 to 20 years;

20 (F) if the offense is a third felony conviction and does not
 21 involve circumstances described in (G) of this paragraph, 15 to 25 years;

22 (G) if the offense is a third felony conviction and the defendant
 23 has two prior convictions for sexual felonies, 99 years.

24 * **Sec. 54.** AS 12.55.135 is amended by adding a new subsection to read:

25 (q) A defendant convicted under AS 11.66.104 shall be sentenced to a
 26 minimum term of imprisonment of 72 hours if the defendant has been previously
 27 convicted once in the previous five years in this or another jurisdiction of an offense
 28 under AS 11.66.104 or an offense under another law or ordinance with similar
 29 elements.

30 * **Sec. 55.** AS 12.55.185(10) is amended to read:

31 (10) "most serious felony" means

(A) arson in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

* **Sec. 56.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, **sex trafficking in the second degree**, sexual assault in the second degree, sexual abuse of a minor in the second degree, **sex trafficking in the third degree, patron of a victim of sex trafficking**, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

* **Sec. 57.** AS 12.61.125(a) is amended to read:

(a) The defendant accused of a **sex** [SEXUAL] offense, the defendant's counsel, or an investigator or other person acting on behalf of the defendant, may not

(1) notwithstanding AS 12.61.120, contact the victim of the offense or a witness to the offense if the victim or witness, or the parent or guardian of the victim or witness if the victim or witness is a minor, has informed the defendant or the defendant's counsel in writing or in person that the victim or witness does not wish to be contacted by the defense; a victim or witness who has not informed the defendant or the defendant's counsel in writing or in person that the victim does not wish to be contacted by the defense is entitled to rights as provided in AS 12.61.120;

(2) obtain a statement from the victim of the offense or a witness to the offense, unless,

(A) if the statement is taken as a recording, the recording is

1 taken in compliance with AS 12.61.120, and written authorization is first
 2 obtained from the victim or witness, or from the parent or guardian of the
 3 victim or witness if the victim or witness is a minor; the written authorization
 4 must state that the victim or witness is aware that there is no legal requirement
 5 that the victim or witness talk to the defense; or

6 (B) if the statement is not taken as a recording, written
 7 authorization is first obtained from the victim or witness, or from the parent or
 8 guardian of the victim or witness if the victim or witness is a minor; the written
 9 authorization must state that the victim or witness is aware that there is no
 10 legal requirement that the victim or witness talk to the defense; a victim or
 11 witness making a statement under this subparagraph remains entitled to rights
 12 as provided in AS 12.61.120.

13 * **Sec. 58.** AS 12.61.125(d) is amended by adding a new paragraph to read:

14 (3) "sex offense" has the meaning given in AS 12.63.100 and includes
 15 a crime, or an attempt, solicitation, or conspiracy to commit a crime under
 16 AS 11.41.440(a)(1).

17 * **Sec. 59.** AS 12.61.140 is amended to read:

18 **Sec. 12.61.140. Disclosure of victim's name.** (a) The portion of the records of
 19 a court or law enforcement agency that contains the name of the victim of an offense
 20 under AS 11.41.300(a)(1)(C) or a victim of a sex offense [11.41.410 - 11.41.460]

21 (1) shall be withheld from public inspection, except with the consent of
 22 the court in which the case is or would be prosecuted; and

23 (2) is not a public record under AS 40.25.110 - 40.25.125.

24 (b) In all written court records open to public inspection, the name of the
 25 victim of an offense under AS 11.41.300(a)(1)(C) or a victim of a sex offense
 26 [11.41.410 - 11.41.460] may not appear. Instead, the victim's initials shall be used.
 27 However, a sealed record containing the victim's name shall be kept by the court in
 28 order to ensure that a defendant is not charged twice for the same offense.

29 * **Sec. 60.** AS 12.61.140 is amended by adding a new subsection to read:

30 (c) In this section, "sex offense" has the meaning given in AS 12.63.100 and
 31 includes a crime, or an attempt, solicitation, or conspiracy to commit a crime, under

1 AS 11.41.440(a)(1).

2 * **Sec. 61.** AS 12.62.900(23) is amended to read:

3 (23) "serious offense" means a conviction for a violation or for an
4 attempt, solicitation, or conspiracy to commit a violation of any of the following laws,
5 or of the laws of another jurisdiction with substantially similar elements:

6 (A) a felony offense;

7 (B) a crime involving domestic violence;

8 (C) AS 11.41.410 - 11.41.470;

9 (D) AS 11.51.130 or 11.51.200 - 11.56.210;

10 (E) AS 11.61.110(a)(7) or 11.61.125;

11 (F) **AS 11.66.101** [AS 11.66.100 - 11.66.130];

12 (G) former AS 11.15.120, former 11.15.134, or assault with the
13 intent to commit rape under former AS 11.15.160; or

14 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
15 11.40.420, if committed before January 1, 1980.

16 * **Sec. 62.** AS 12.63.100(7) is amended to read:

17 (7) "sex offense" means

18 (A) a crime under AS 11.41.100(a)(3), or a similar law of
19 another jurisdiction, in which the person committed or attempted to commit a
20 sexual offense, or a similar offense under the laws of the other jurisdiction; in
21 this subparagraph, "sexual offense" has the meaning given in
22 AS 11.41.100(a)(3);

23 (B) a crime under AS 11.41.110(a)(3), or a similar law of
24 another jurisdiction, in which the person committed or attempted to commit
25 one of the following crimes, or a similar law of another jurisdiction:

26 (i) sexual assault in the first degree;

27 (ii) sexual assault in the second degree;

28 (iii) sexual abuse of a minor in the first degree; or

29 (iv) sexual abuse of a minor in the second degree;

30 (C) a crime, or an attempt, solicitation, or conspiracy to commit
31 a crime, under the following statutes or a similar law of another jurisdiction:

- 1 (i) AS 11.41.410 - 11.41.438;
- 2 (ii) AS 11.41.440(a)(2);
- 3 (iii) AS 11.41.450 - 11.41.458;
- 4 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
- 5 exposure is before a person under 16 years of age and the offender has
- 6 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- 7 (v) AS 11.61.125 - 11.61.128;
- 8 (vi) **former** AS 11.66.110, **former** 11.66.130(a)(2)(B),
- 9 or AS 26.05.900(b) if the person who was induced or caused to engage
- 10 in prostitution was under 20 years of age at the time of the offense;
- 11 (vii) former AS 11.15.120, former 11.15.134, or assault
- 12 with the intent to commit rape under former AS 11.15.160, former
- 13 AS 11.40.110, or former 11.40.200;
- 14 (viii) AS 11.61.118(a)(2) if the offender has a previous
- 15 conviction for that offense;
- 16 (ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS
- 17 SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);
- 18 (x)] AS 26.05.890 if the person engaged in sexual
- 19 penetration or sexual contact with the victim;
- 20 **(x)** [(xi)] AS 26.05.890 if, at the time of the offense, the
- 21 victim is under a duty to obey the lawful orders of the offender,
- 22 regardless of whether the offender is in the direct chain of command
- 23 over the victim;
- 24 **(xi)** [(xii)] AS 26.05.893 if the person engaged in sexual
- 25 penetration or sexual contact with the victim;
- 26 **(xii)** [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is
- 27 under 18 years of age at the time of the offense;
- 28 **(xiii)** [(xiv)] AS 26.05.900 if, at the time of the offense,
- 29 the victim is under a duty to obey the lawful orders of the offender,
- 30 regardless of whether the offender is in the direct chain of command
- 31 over the victim; [OR]

1 (xiv) [(xv)] AS 11.61.123 if the offender is subject to
 2 punishment under AS 11.61.123(g)(1) or (2); or

3 (xv) AS 11.41.340, 11.41.345, or 11.41.355
 4 [AS 11.61.123(f)(1) OR (2)];

5 (D) an offense, or an attempt, solicitation, or conspiracy to
 6 commit an offense, under AS 26.05.935(b), or a similar law of another
 7 jurisdiction, if the member of the militia commits one of the following
 8 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform
 9 Code of Military Justice):

10 (i) child pornography; or

11 (ii) pandering and prostitution if the person who is
 12 induced, enticed, caused, or procured to engage in a sexual act is under
 13 21 [20] years of age at the time of the offense; or

14 (E) an offense in which the person is required to register as a
 15 sex offender under the laws of another jurisdiction;

16 * **Sec. 63.** AS 12.72 is amended by adding new sections to read:

17 **Sec. 12.72.100. Vacation of judgment of conviction for prostitution.** A
 18 person may petition the court to vacate the judgment if, at the time of the offense, the
 19 person was or would have been a victim of sex trafficking as defined in
 20 AS 11.81.900(b) and was convicted or adjudicated delinquent for prostitution under
 21 former AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance.

22 **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A person
 23 seeking a vacation of judgment under this chapter shall file a petition with the clerk at
 24 the court location where the underlying criminal case was filed and serve a copy on
 25 the prosecuting authority responsible for obtaining the conviction.

26 (b) If the prosecuting authority does not file a response within 45 days after
 27 service of the petition, the court may grant the vacation of judgment without further
 28 proceedings.

29 **Sec. 12.72.110. Limitations on petition for vacation of judgment.** (a) A
 30 person may file a petition under this chapter only after a judgment has been entered on
 31 the person's case or, if the conviction was appealed, after the court's decision on the

1 case is final under the Alaska Rules of Appellate Procedure.

2 (b) An action for a petition for vacation of judgment under AS 12.72.100 does
3 not give rise to the right to a trial by jury.

4 **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**
5 **proceedings.** (a) The person petitioning the court for a vacation of judgment of
6 conviction or adjudication of delinquency for prostitution under former AS 11.66.100
7 or under AS 11.66.106 or a similar municipal ordinance must prove all factual
8 assertions by a preponderance of the evidence.

9 (b) There is a rebuttable presumption that a person who was under 21 years of
10 age at the time of an offense under AS 11.66.106 was or would have been a victim of
11 sex trafficking.

12 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a
13 vacation of judgment,

14 (1) the judgment of conviction or adjudication of delinquency for
15 prostitution under former AS 11.66.100 or under AS 11.66.106 or a similar municipal
16 ordinance shall be vacated;

17 (2) the Alaska Court System may not publish on a publicly available
18 Internet website the court records of the conviction for prostitution under former
19 AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance if the person
20 was not convicted of a felony charge in that case; and

21 (3) the Department of Public Safety may not release information
22 related to the conviction for prostitution under former AS 11.66.100 or under
23 AS 11.66.106 or a similar municipal ordinance in response to a request under
24 AS 12.62.160(b)(6), (8), or (9).

25 (b) The Alaska Court System shall remove a person's court records from a
26 publicly available Internet website under (a)(2) of this section within 30 days after the
27 court grants a petition for vacation of judgment.

28 * **Sec. 64.** AS 14.03.016(d)(2) is amended to read:

29 (2) "human reproduction or sexual matters" does not include curricula
30 or materials for

31 (A) sex trafficking, human trafficking, sexual abuse, and

sexual assault awareness and prevention training required under AS 14.30.355;
or

(B) dating violence and abuse awareness and prevention
training required under AS 14.30.356;

* **Sec. 65.** AS 14.20.020(k) is amended to read:

(k) Except as provided in AS 14.20.015, a person is not eligible for a teacher certificate unless the person has completed training regarding alcohol and drug related disabilities required under AS 14.20.680, training regarding **sex trafficking, human trafficking,** sexual abuse, and sexual assault awareness and prevention required under AS 14.30.355, training regarding dating violence and abuse awareness and prevention required under AS 14.30.356, and training related to suicide prevention required under AS 14.30.362.

* **Sec. 66.** AS 14.20.030(b) is amended to read:

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under **AS 11.41.340 - 11.41.357, 11.41.410 - 11.41.460** [AS 11.41.410 - 11.41.460], AS 11.61.125, or 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

* **Sec. 67.** AS 14.30.355(a) is amended to read:

(a) The governing body of each school district shall adopt and implement a policy, establish a training program for employees and students, and provide [PARENT] notices relating to **sex trafficking, human trafficking,** sexual abuse, and sexual assault awareness and prevention for students enrolled in grades kindergarten through 12.

* **Sec. 68.** AS 14.30.355(b) is amended to read:

(b) The policy **and** [,] training [, AND NOTICES] adopted under this section must include

(1) **an** age-appropriate **and trauma-informed approach**
[INFORMATION];

(2) warning signs of sexual abuse of a child, **grooming, attempted sex**

trafficking, and attempted human trafficking;

(3) referral and resource information;

(4) available student counseling and educational support;

(5) **information related to safe online practices and warning signs of grooming and attempted sex trafficking and human trafficking through electronic means** [METHODS FOR INCREASING TEACHER, STUDENT, AND PARENT AWARENESS OF ISSUES REGARDING SEXUAL ABUSE OF CHILDREN];

(6) actions that a child may take to prevent and report **sex trafficking, human trafficking,** sexual abuse or sexual assault; [AND]

(7) **a scalable, repeatable program; and**

(8) **use of evidence-based best practices** [A PROCEDURE ALLOWING A STUDENT TO BE EXCUSED FROM PARTICIPATING IN TRAINING OR FROM RECEIVING NOTICES UNDER THIS SECTION AT THE WRITTEN REQUEST OF A PARENT OR GUARDIAN OF THE STUDENT, OR OF THE STUDENT IF THE STUDENT IS EMANCIPATED OR 18 YEARS OF AGE OR OLDER].

* **Sec. 69.** AS 14.30.355(d) is amended by adding new paragraphs to read:

(3) "human trafficking" means a violation of AS 11.41.360 - 11.41.366;

(4) "sex trafficking" means a violation of AS 11.41.340 - 11.41.350.

* **Sec. 70.** AS 14.30.355 is amended by adding a new subsection to read:

(e) A notice adopted under this section must notify parents or guardians of a student, or a student who is emancipated or 18 years of age or older, of

(1) a procedure allowing the student to be excused from participating in the training or from receiving subsequent notices of the training at the written request of the parent or guardian of the student, or, if the student is emancipated or 18 years of age or older, at the request of the student; and

(2) an option to receive a summary of the materials and information provided in the training if the parent, guardian, or student requested that the student be excused from participation or from receiving notices of the training under (1) of this

subsection.

* **Sec. 71.** AS 14.30.361(d) is amended to read:

(d) The requirements under (a) of this section do not apply to

(1) sex trafficking, human trafficking, sexual abuse, and sexual assault awareness and prevention training required under AS 14.30.355; or

(2) dating violence and abuse awareness and prevention training required under AS 14.30.356.

* **Sec. 72.** AS 14.45 is amended by adding a new section to read:

Sec. 14.45.115. Disqualifying convictions for teachers. An individual may not be employed or volunteer as a teacher in a religious or other private school if the individual has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, under AS 11.41.340 - 11.41.355, or a law or ordinance in another jurisdiction with elements similar to a crime under AS 11.41.340 - 11.41.355.

* **Sec. 73.** AS 18.66.210 is amended to read:

Sec. 18.66.210. Exceptions. The privilege provided under AS 18.66.200 does not apply to

(1) reports of suspected child abuse or neglect under AS 47.17;

(2) evidence that the victim is about to commit a crime;

(3) a proceeding that occurs after the victim's death;

(4) a communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;

(5) a communication that is determined to be admissible hearsay as an excited utterance under the Alaska Rules of Evidence;

(6) a child-in-need-of-aid proceeding under AS 47.10;

(7) a communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime; or

(8) a criminal proceeding concerning criminal charges against a victim of domestic violence, sex trafficking, or sexual assault in which [WHERE] the victim is charged with a crime

1 (A) under AS 11.41 against a minor; or

2 (B) in which the physical, mental, or emotional condition of the
3 victim is raised in defense of the victim.

4 * **Sec. 74.** AS 18.66.250(1) is amended to read:

5 (1) "confidential communication" means information exchanged
6 between a victim and a victim counselor in private or in the presence of a third party
7 who is necessary to facilitate communication or further the counseling process and
8 that is disclosed in the course of victim counseling resulting from sex trafficking, a
9 sexual assault, or domestic violence;

10 * **Sec. 75.** AS 18.66.250(3) is amended to read:

11 (3) "victim" means a person who consults a victim counselor for
12 assistance in overcoming adverse effects of a sexual assault, sex trafficking, or
13 domestic violence;

14 * **Sec. 76.** AS 18.66.250(4) is amended to read:

15 (4) "victim counseling" means support, assistance, advice, or treatment
16 to alleviate the adverse effects of sex trafficking, a sexual assault, or domestic
17 violence on the victim;

18 * **Sec. 77.** AS 18.66.250(5) is amended to read:

19 (5) "victim counseling center" means a private organization, an
20 organization operated by or contracted by a branch of the armed forces of the United
21 States, or a local government agency that

22 (A) has, as one of its primary purposes, the provision of direct
23 services to victims for trauma resulting from [A] sexual assault, sex
24 trafficking, or domestic violence;

25 (B) is not affiliated with a law enforcement agency or a
26 prosecutor's office; and

27 (C) is not on contract with the state to provide services under
28 AS 47;

29 * **Sec. 78.** AS 18.66.250(6) is amended to read:

30 (6) "victim counselor" means an employee or supervised volunteer of a
31 victim counseling center that provides counseling to victims

(A) who has undergone a minimum of 40 hours of training in sex trafficking, domestic violence, or sexual assault, crisis intervention, victim support, treatment, and related areas; or

(B) whose duties include victim counseling.

* **Sec. 79.** AS 18.66.990(2) is amended to read:

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence, sex trafficking, or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

* **Sec. 80.** AS 18.67.080(a) is amended to read:

(a) In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1), [OR] by the act of any other person that is within the description of offenses listed in AS 18.67.101(2), or as a result of the person's involvement in a commercial sexual act as described in AS 18.67.101(3), the board may order the payment of compensation in accordance with the provisions of this chapter:

(1) to or for the benefit of the injured person;

(2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death;

(3) in the case of death of the victim, to or for the benefit of one or more of the dependents of the victim; or

(4) to the provider of a service under AS 18.67.110(b).

* **Sec. 81.** AS 18.67.101 is amended to read:

Sec. 18.67.101. Incidents and offenses to which this chapter applies. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; [OR]

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

- (A) murder in any degree;
- (B) manslaughter;
- (C) criminally negligent homicide;
- (D) assault in any degree;
- (E) kidnapping;
- (F) sexual assault in any degree;
- (G) sexual abuse of a minor;
- (H) robbery in any degree;
- (I) threats to do bodily harm;
- (J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;
- (K) arson in the first degree;
- (L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110 OR 11.66.130(a)(2)(B);
- (M)] human trafficking in any degree; or
- (M) [(N)] unlawful exploitation of a minor; or**

(3) the applicant's having been induced or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350.

* **Sec. 82.** AS 18.85.100(c) is amended to read:

(c) An indigent person is entitled to representation under (a) and (b) of this section for purposes of bringing a timely application for post-conviction relief **or petition for vacation of judgment** under AS 12.72. An indigent person is not entitled to representation under (a) and (b) of this section for purposes of bringing

(1) an untimely or successive application for post-conviction relief **or petition for vacation of judgment** under AS 12.72 or an untimely or successive motion for reduction or modification of sentence;

(2) a petition for review or certiorari from an appellate court ruling on

1 an application for post-conviction relief; or

2 (3) an action or claim for habeas corpus in federal court attacking a
3 state conviction.

4 * **Sec. 83.** AS 28.15.046(c) is amended to read:

5 (c) The department may not issue a license under this section to an applicant

6 (1) who has been convicted of any of the following offenses:

7 (A) a violation, or an attempt, solicitation, or conspiracy to
8 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
9 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

10 (B) a felony violation of endangering the welfare of a child in
11 the first degree under AS 11.51.100;

12 (C) felony indecent viewing or production of a picture under
13 AS 11.61.123;

14 (D) distribution of child pornography under AS 11.61.125;

15 (E) possession of child pornography under AS 11.61.127;

16 (F) distribution of indecent material to minors under
17 AS 11.61.128;

18 (G) felony prostitution under **AS 11.66.101 or 11.66.102**
19 [AS 11.66.100(e)];

20 (H) sex trafficking in the first, second, or third degree [UNDER
21 AS 11.66.110 - 11.66.130];

22 (I) a felony involving distribution of a controlled substance
23 under AS 11.71 or imitation controlled substance under AS 11.73;

24 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

25 **(K) patron of a victim of sex trafficking under**
26 **AS 11.41.355;** or

27 (2) who has been convicted of any of the following offenses and less
28 than two years have elapsed since the applicant's date of conviction for the offense:

29 (A) assault in the fourth degree under AS 11.41.230;

30 (B) reckless endangerment under AS 11.41.250;

31 (C) contributing to the delinquency of a minor under

AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.104 or 11.66.106 [AS 11.66.100(a)(2)];

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

* **Sec. 84.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of AS 11.66.101(a) [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

* **Sec. 85.** AS 34.03.360(17) is amended to read:

(17) "prostitution" means an act in violation of AS 11.66.101 - 11.66.106 [AS 11.66.100];

* **Sec. 86.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions of (d) of this section do not apply if an individual's conviction was vacated during the qualifying year under AS 12.72. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was vacated and each subsequent qualifying year for which the individual is otherwise eligible under this section.

* **Sec. 87.** AS 44.23.080(a) is amended to read:

(a) If there is reasonable cause to believe that an Internet service account has been used in connection with a violation of AS 11.41.340 - 11.41.350, 11.41.452 [AS 11.41.452], 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state.

* **Sec. 88.** AS 47.10.990(33) is amended to read:

(33) "sexual abuse" means the conduct described in AS 11.41.410 - 11.41.460, [;] conduct constituting "sexual exploitation" as defined in AS 47.17.290, and conduct prohibited by AS 11.41.340 - 11.41.357 [AS 11.66.100 - 11.66.150];

1 * **Sec. 89.** AS 47.12.110(d) is amended to read:

2 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
3 the adjudication of a minor as a delinquent shall be open to the public, except as
4 prohibited or limited by order of the court, if

5 (1) the department files with the court a motion asking the court to
6 open the hearing to the public, and the petition seeking adjudication of the minor as a
7 delinquent is based on

8 (A) the minor's alleged commission of an offense, and the
9 minor has knowingly failed to comply with all the terms and conditions
10 required of the minor by the department or imposed on the minor in a court
11 order entered under AS 47.12.040(a)(2) or 47.12.120;

12 (B) the minor's alleged commission of

13 (i) a crime against a person that is punishable as a
14 felony;

15 (ii) a crime in which the minor employed a deadly
16 weapon, as that term is defined in AS 11.81.900(b), in committing the
17 crime;

18 (iii) arson under AS 11.46.400 - 11.46.410;

19 (iv) burglary under AS 11.46.300;

20 (v) distribution of child pornography under
21 AS 11.61.125;

22 (vi) sex trafficking [IN THE FIRST DEGREE] under
23 **AS 11.41.340 or 11.41.345** [AS 11.66.110]; or

24 (vii) misconduct involving a controlled substance under
25 AS 11.71 involving the delivery of a controlled substance or the
26 possession of a controlled substance with intent to deliver, other than
27 an offense under AS 11.71.040 or 11.71.050; or

28 (C) the minor's alleged commission of a felony and the minor
29 was 16 years of age or older at the time of commission of the offense when the
30 minor has previously been convicted or adjudicated a delinquent minor based
31 on the minor's commission of an offense that is a felony; or

(2) the minor agrees to a public hearing on the petition seeking adjudication of the minor as a delinquent.

* **Sec. 90.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310, and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking under AS 11.41.340 or 11.41.345 [IN THE FIRST DEGREE];

(6) misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

* **Sec. 91.** AS 47.17.290(18) is amended to read:

(18) "sexual exploitation" includes

(A) allowing, permitting, or encouraging a child to engage in a commercial sexual act prohibited by AS 11.41.340 - 11.41.357 or prostitution prohibited by AS 11.66.101 [AS 11.66.100 - 11.66.150], by a person responsible for the child's welfare;

(B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

* **Sec. 92.** AS 11.41.360(b), 11.41.470(7); AS 11.56.765(c)(3), 11.56.767(c)(3); AS 11.66.100, 11.66.110, 11.66.120, 11.66.130, 11.66.135, 11.66.140, 11.66.150(1); and AS 12.61.125(d)(2) are repealed.

* **Sec. 93.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) The following sections apply to revocations, denials, or refusals to issue or renew licenses, permits, or certificates for offenses committed on or after

1 the effective date of those sections:

- 2 (1) AS 08.07.025, enacted by sec. 3 of this Act;
- 3 (2) AS 08.26.130(b), enacted by sec. 7 of this Act;
- 4 (3) AS 08.29.400(d), enacted by sec. 9 of this Act;
- 5 (4) AS 08.61.060(b), enacted by sec. 12 of this Act;
- 6 (5) AS 08.63.210(e), enacted by sec. 14 of this Act;
- 7 (6) AS 08.64.326(c), enacted by sec. 16 of this Act;
- 8 (7) AS 08.65.110(b), enacted by sec. 18 of this Act;
- 9 (8) AS 08.68.270(b), enacted by sec. 20 of this Act;
- 10 (9) AS 08.80.261(c), enacted by sec. 23 of this Act;
- 11 (10) AS 08.86.204(e), enacted by sec. 26 of this Act;
- 12 (11) AS 08.95.050(d), enacted by sec. 27 of this Act.

13 (b) The following sections apply to notifications of convictions for offenses
14 committed on or after the effective date of those sections:

- 15 (1) AS 08.07.035, enacted by sec. 4 of this Act;
- 16 (2) AS 08.26.130(c), enacted by sec. 7 of this Act;
- 17 (3) AS 08.29.400(e), enacted by sec. 9 of this Act;
- 18 (4) AS 08.61.060(c), enacted by sec. 12 of this Act;
- 19 (5) AS 08.63.210(f), enacted by sec. 14 of this Act;
- 20 (6) AS 08.64.326(d), enacted by sec. 16 of this Act;
- 21 (7) AS 08.65.110(c), enacted by sec. 18 of this Act;
- 22 (8) AS 08.68.270(c), enacted by sec. 20 of this Act;
- 23 (9) AS 08.80.261(d), enacted by sec. 23 of this Act;
- 24 (10) AS 08.86.204(f), enacted by sec. 26 of this Act;
- 25 (11) AS 08.95.050(e), enacted by sec. 27 of this Act.

26 (c) The following sections apply to offenses committed on or after the effective date
27 of those sections:

- 28 (1) AS 11.41.340 - 11.41.357, enacted by sec. 32 of this Act;
- 29 (2) AS 11.41.360(a), as amended by sec. 33 of this Act;
- 30 (3) AS 11.41.360(c), as amended by sec. 34 of this Act;
- 31 (4) AS 11.41.365, as amended by sec. 35 of this Act;

- (5) AS 11.41.366 - 11.41.369, enacted by sec. 36 of this Act;
- (6) AS 11.41.530(a), as amended by sec. 37 of this Act;
- (7) AS 11.66.101 - 11.66.106, enacted by sec. 38 of this Act;
- (8) AS 11.66.145, as amended by sec. 39 of this Act;
- (9) AS 11.66.150(2), as amended by sec. 40 of this Act;
- (10) AS 11.66.150(5), enacted by sec. 41 of this Act;
- (11) AS 11.81.250(a), as amended by sec. 42 of this Act;
- (12) AS 11.81.250(b), as amended by sec. 43 of this Act;
- (13) AS 11.81.900(b), as amended by sec. 44 of this Act;
- (14) AS 12.10.010, as amended by sec. 45 of this Act;
- (15) AS 12.37.010, as amended by sec. 46 of this Act;
- (16) AS 14.20.030(b), as amended by sec. 66 of this Act;
- (17) AS 14.45.115, enacted by sec. 72 of this Act.

(d) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.015(m), enacted by sec. 48 of this Act;
- (2) AS 12.55.035(b), as amended by sec. 49 of this Act;
- (3) AS 12.55.078(f), as amended by sec. 50 of this Act;
- (4) AS 12.55.085(f), as amended by sec. 51 of this Act;
- (5) AS 12.55.125(b), as amended by sec. 52 of this Act;
- (6) AS 12.55.125(i), as amended by sec. 53 of this Act;
- (7) AS 12.55.135(q), enacted by sec. 54 of this Act;
- (8) AS 12.55.185(10), as amended by sec. 55 of this Act;
- (9) AS 12.55.185(16), as amended by sec. 56 of this Act;
- (10) AS 12.62.900(23), as amended by sec. 61 of this Act.

(e) AS 12.63.100(7), as amended by sec. 62 of this Act, applies to the duty to register as a sex offender for offenses committed on or after the effective date of sec. 62 of this Act.

(f) AS 12.72.100 - 12.72.120, enacted by sec. 63 of this Act, and AS 18.85.100(c), as amended by sec. 82 of this Act, apply to petitions filed on or after the effective date of sec. 63 of this Act for conduct occurring before, on, or after the effective date of secs. 63 and 82 of this Act.

(g) AS 12.72.100 - 12.72.120, enacted by sec. 63 of this Act, apply to convictions under former AS 11.66.100 occurring before the effective date of sec. 63 of this Act.

(h) The following sections apply to communications made on or after the effective date of those sections relating to offenses occurring on or after the effective date of those sections:

- (1) AS 09.25.400, as amended by sec. 30 of this Act;
- (2) AS 12.45.049, as amended by sec. 47 of this Act;
- (3) AS 12.61.125(a), as amended by sec. 57 of this Act;
- (4) AS 12.61.125(d)(3), enacted by sec. 58 of this Act;
- (5) AS 12.61.140, as amended by sec. 59 of this Act;
- (6) AS 12.61.140(c), enacted by sec. 60 of this Act;
- (7) AS 18.66.210, as amended by sec. 73 of this Act;
- (8) AS 18.66.250(1), as amended by sec. 74 of this Act;
- (9) AS 18.66.250(3), as amended by sec. 75 of this Act;
- (10) AS 18.66.250(4), as amended by sec. 76 of this Act;
- (11) AS 18.66.250(5), as amended by sec. 77 of this Act;
- (12) AS 18.66.250(6), as amended by sec. 78 of this Act.

* **Sec. 94.** Sections 63 and 82 of this Act take effect January 1, 2024.

* **Sec. 95.** Sections 64, 65, and 67 - 71 of this Act take effect July 1, 2024.

* **Sec. 96.** Except as provided in secs. 94 and 95 of this Act, this Act takes effect July 1, 2023.